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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/107,141 06/30/98 BEERS

K 016499-546

021839 PM82/0313  
BURNS DOANE SWECKER & MATHIS  
P.O BOX 1404  
ALEXANDRIA VA 22313-1404

EXAMINER

ELDRED, J

ART UNIT

PAPER NUMBER

3644

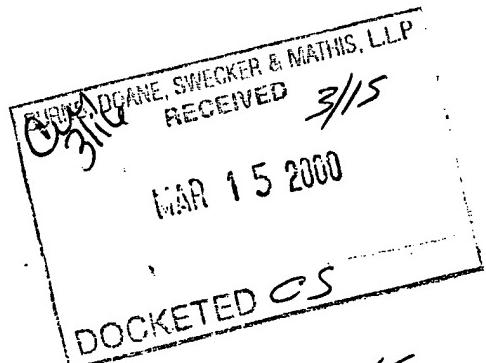
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DATE MAILED:

03/13/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



Rep Due 6/13/00

016499-546  
Liquid Air Corp  
E36/NDP

## Office Action Summary

Application No. <b>09/107, 141</b> Examiner <b>Woodrow Eldred</b>	Applicant(s) <i>Beers et al</i> Group Art Unit <b>3644</b>
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**—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- Responsive to communication(s) filed on \_\_\_\_\_.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- Claim(s) 1 - 30 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1 - 30 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). <u>17</u><br><input type="checkbox"/> Notice of Reference(s) Cited, PTO-892<br><input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948 | <input type="checkbox"/> Interview Summary, PTO-413<br><input type="checkbox"/> Notice of Informal Patent Application, PTO-152<br><input type="checkbox"/> Other _____ |
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## Office Action Summary

Art Unit: 3644

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 11, 13, 14, 16, 17, 22, 24, 25, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Edwards et al.

See especially column 10, line 61-column 12, line 18, and Figure 13 which disclose a system for inerting an aircraft fuel tank with two different membrane modules to produce two nitrogen-enriched air streams for use during different flight conditions.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5-10, 12, 15, 16, 18, 19-21, 23 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al in view of Dornheim.

Edwards et al disclose a system and method for inerting an aircraft fuel tank which comprises contacting a with a first membrane module with compressed air to produce a first nitrogen-enriched air stream which is introduced into the fuel tank during periods of low demand for nitrogen-enriched air and contacting a second membrane module with compressed air to produce a second nitrogen-enriched air stream which is introduced into the fuel tank during periods of high demand for nitrogen-enriched air, and in which the first membrane module has a

Art Unit: 3644

lower O<sub>2</sub> permeance and a higher O<sub>2</sub>/N<sub>2</sub> selectivity than the second membrane modules. See especially column 10, line 61-column 12, line 18, and Figure 13. Edwards et al fail to disclose the specific parameters of flow rates or establishing conditions to liberate a portion of O<sub>2</sub> dissolved in the fuel. Dornheim teaches, see the third paragraph from the end, that in a fuel tank inerting system conditions are created in which "oxygen enrichment occurs from the dissolved air in the fuel." To substitute particular parameters and conditions in the fuel inerting system of Edwards et al in place of unspecified conditions are considered to have been a matter of design and engineering choice in order to achieve the desired performance of the system in a particular situation. To have the claimed flow rates and oxygen liberation is considered, without any indication of unexpected results, to have been obvious to one having ordinary skill in the art.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Woodrow Eldred whose telephone number is (703) 306-4151.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-4177.

*J. Woodrow Eldred*  
**J. WOODROW ELDRED**  
**PRIMARY EXAMINER**  
**GROUP 220**